

Appl. No. 10/642,389  
Amdt. dated November 4, 2004  
Reply to Final Office Action of October 21, 2004

### REMARKS

Applicant respectfully requests reconsideration of this application, as amended in accordance with 37 CFR 1.116, and reconsideration of the Final Office Action dated October 21, 2004. Upon entry of this Amendment, claims 12 and 13, 17-19, 29, 33 and 35-44 will be pending in this application.

Support for the Amendment is found in the claims as originally presented, and with respect to claims 36 and 37, the specification at page 11, line 19. No new matter has been incorporated by this Amendment.

Applicant cancels rejected claims 1-11, 14-16, 20-28, 31, 32 and 34 without prejudice and reserves all rights to pursue the canceled claims in a continuation application. Claims 12, 13, 30 and 33, acknowledged by the Examiner to be "allowable," and therefore novel and nonobvious, have been amended in form as suggested by the Examiner.

Applicants respectfully submit that claims 17-19 which depend from "allowable" claims 12 and 13 appear to have been erroneously rejected in the prior Action since they depend from "allowable" base claims. See *MPEP* § 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Because claims 12 and 13 have been rewritten in form as suggested by the Examiner, dependent claims 17-19 are also submitted to be allowable.

Similarly, Applicants also respectfully request entry of claims 35 and 36, which also depend from "allowable" claim 12; claim 37 which also depends from "allowable" claim 13; claims 38-40 which also depend from "allowable" claim 30; and claims 41-44

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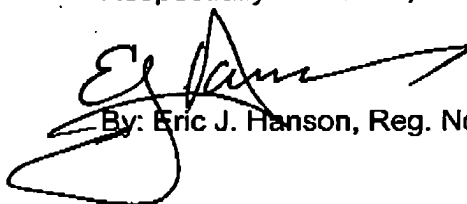
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which also depend from "allowable" claim 33. Because each of claims 35-44 includes all of the patentable limitations of the respective base claim from which each claim depends, these dependent claims are necessarily novel and nonobvious.

Accordingly, Applicant respectfully submits that all of the pending claims are in condition for allowance, and requests that a timely Notice of Allowance be issued in this case.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 040292.003. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee should also be charged to SGR Deposit Account No. 02-4300, Order No. 040292.003. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 040292.003.

Respectfully submitted,



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